

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney Kar Yee Tse on 30 September 2008.

The application has been amended as follows:

Claim 27:

Line 1, "claim 26" has been changed to --claim 15--.

Line 2, "oxide" has been changed to --overcoating--.

2. The following is an examiner's statement of reasons for allowance:

The prior art references of record failed to teach or suggest, alone or in combination, the coated fuel cell bipolar plate comprising a metal plate; an electrically conductive corrosion resistant coating formed over the metal plate; and an electrically conductive overcoating formed over the coating of independent claim 1 wherein the electrically conductive corrosion resistant coating has a plurality of layers.

Art Unit: 1795

Yoshimura et al. disclose an electrically conductive corrosion resistant coating of tin formed over a stainless steel metal plate. Yoshimura et al. disclose that since the first coating does not need to be thick, the amount of tin used to form the first coating layers can be minimized and, therefore, the cost increase can be reduced or eliminated (col. 8: 25-28). Therefore, one skilled in the art would not be motivated to modify the tin coating of Yoshimura et al. with a plurality of layers.

The prior art references of record failed to teach or suggest, alone or in combination, the coated fuel cell bipolar plate comprising a metal plate; an electrically conductive corrosion resistant coating formed over the metal plate; and an electrically conductive overcoating formed over the coating of independent claim 13 wherein the overcoating includes a first layer of transition metal coated over the coating; and a second layer of amorphous graphite coated over the first layer.

Yoshimura et al. disclose a stainless steel metal plate, an electrically conductive corrosion resistant tin coating over the stainless steel metal plate; and an electrically conductive overcoating of thermal expansion graphite formed over the coating. Yoshimura et al. disclose that the thermal expansion graphite has a layered structure formed through the thermal expansion. There is not teaching or suggestion of an overcoating that includes a first layer of transition metal coated over the coating; and a second layer of amorphous graphite coated over the first layer.

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The prior art references of record failed to teach or suggest, alone or in combination, the coated fuel cell bipolar plate comprising the metal plate; an electrically conductive corrosion resistant coating formed over the metal plate of independent claim 15 wherein an anodized or oxidized overcoating is formed over the electrically conductive corrosion resistant coating, the overcoating being primarily localized on each of the porosities at the top surface as discrete amorphous structure structures.

Yoshimura et al. disclose a stainless steel metal plate, an electrically conductive corrosion resistant tin coating over the stainless steel metal plate; and an electrically conductive overcoating of thermal expansion graphite formed over the coating. Yoshimura discloses plating or press-fitting to form the second coating layer. These processes physically cover the first coating layer of Yoshimura, while anodization and oxidation chemically oxidize the electrically conductive corrosion resistant coating. There is not teaching or suggestion of an anodized or oxidized overcoating formed over the electrically conductive corrosion resistant coating, the overcoating being primarily localized on each of the porosities at the top surface as discrete amorphous structure structures.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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*Examiner Correspondence*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to THOMAS H. PARSONS whose telephone number is (571)272-1290. The examiner can normally be reached on M-F (7:00-3:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pat Ryan can be reached on (571) 272-1292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/PATRICK RYAN/  
Supervisory Patent Examiner, Art Unit 1795

Thomas H Parsons  
Examiner  
Art Unit 1795

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